

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 7, 10, 11, and 15 are pending in this case. Claims 4 and 7 are amended to correct an informality and with support in the originally filed disclosure at least at paragraph [0093] of the published Specification, Claim 15 is amended as required by the outstanding Office Action, and Claims 6, 8, 9, 12-14, and 16-18 were withdrawn. No new matter is added.

In the outstanding Office Action, Claims 2-5, 7, and 10 were rejected under 35 U.S.C. § 112, second paragraph; Claims 4, 5, 7, 10, and 15 were rejected under 35 U.S.C. § 101; Claims 1-3 were rejected under 35 U.S.C. § 103(a) as unpatentable over Masamitsu (JP 2001-136159) in view of Kadansky, et al. (U.S. Patent No. 6,295,361, herein “Kadansky”); and Claims 4, 5, 7, 10, 11, and 15 were rejected under 35 U.S.C. § 102(b) as anticipated by Masamitsu.

At the outset, Applicant and Applicant’s representative thank Supervisory Patent Examiner Barron and Examiner Armouche for the courtesy of an interview with Applicant’s representative on July 14, 2010. The discussion during that interview is substantially reflected in the remarks herein.

The outstanding Office Action refers to a “listing of references” at page 3, line 21, of the Specification and asserts that the listing is not a proper information disclosure statement.

Applicant submits that the single application (PCT Japanese Patent Publication No. 2002-501334) noted in the background, at page 3, line 21, of the Specification is cited as an example of a technique for encrypting a broadcast message using a broadcast encryption key that is configured in advance by a wireless carrier, which is a network owner of mobile devices. Applicant has not submitted PCT Japanese Patent Publication No. 2002-501334 in

an IDS, because PCT Japanese Patent Publication No. 2002-501334 is not deemed material to the patentability of the claimed invention.

With regard to the rejection under 35 U.S.C. § 112, second paragraph, Applicant notes that the written description does, in fact, include a description of structure corresponding to the means recited by Claims 2-5, 7, and 10.

The USPTO memorandum¹ clarifies the bases for rejections under 35 U.S.C. § 112, second paragraph, for means-plus-function claims and states, at page 3, that “a computer-implemented means-plus-function claim limitation that invokes 35 U.S.C. 112, sixth paragraph” must have corresponding structure that includes an algorithm.

Fig. 1 and the related descriptions describe control unit structure, which controls the overall wireless terminal, and a communication processing unit connected with an antenna.

One of ordinary skill in the art would recognize that the control unit in the context of a wireless terminal would include a processor-based platform to execute the algorithms described in the Specification and shown, for example, at Figures 16 and 17.

For example, the algorithm corresponding to the means for searching and the means for decoding recited by Claim 2 are discussed at page 39, line 23, to page 40, line 7, with reference to Fig. 17.

The means for searching, means for decoding, means for encrypting, and means for extracting are all supported by the descriptions of the control unit.

Further, the means for transmitting, means for receiving, and means for broadcasting are supported by the description of the antenna and communication processing unit. A means for transmitting, receiving, or broadcasting necessarily includes at least an antenna hardware element.

¹ John Love Memo “Rejections under 35 U.S.C. 112, second paragraph, when examining means (or step) plus function claim limitations under 35 U.S.C. § 112, sixth paragraph,” to Patent Examining Corps, USPTO, September 2, 2008.

Based on the discussion above, Applicant respectfully requests that the rejection of Claims 2-5, 7, and 10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

With regard to the rejection of Claims 4, 5, 7, and 10 under 35 U.S.C. § 101, the outstanding Office Action states, at page 4, that there are “no hardware elements listed in the limitations.”

Applicant notes, that means-plus-function claims cannot recite structural elements, as discussed at example (A) of the USPTO memorandum at page 2. Instead, as discussed during the interview, because the means-plus-function elements have sufficient corresponding structure, as discussed above with regard to the rejection under 35 U.S.C. § 112, second paragraph, the recited means-plus-function elements properly define elements of a machine (terminal). Thus, Applicant respectfully requests that the rejection of Claims 4, 5, 7, and 10 under 35 U.S.C. § 101 be withdrawn.

Claim 15 is amended to recite a “non-transitory” computer readable storage medium. Thus, Applicant respectfully requests that the rejection of Claim 15 under 35 U.S.C. § 101 be withdrawn.

Applicant notes that the recitation of “non-transitory” in Claim 15 is intended only to exclude signals.

Applicant respectfully traverses the rejections of the pending claims.

Response to Rejection under 35 U.S.C. § 103(a)

With regard to Claim 1, the outstanding Office Action asserts Masamitsu as teaching every element except the element amended to recite “any terminal in the plurality of terminals is configured to perform the role of said first terminal and said second terminal,” which it asserts Kadansky as teaching.

However, as discussed during the interview, Masamitsu describes a satellite communication system in which the transmitting side system 2, asserted as the first terminal, cannot act as the receiving side system 4, asserted as the second terminal. Thus, Masamitsu cannot be modified by Kadansky or any other reference, under MPEP § 2143.01, to teach or suggest that **“any terminal in the plurality of terminals is configured to perform the role of said first terminal and said second terminal,”** as recited by Claim 1. Instead, a terminal that performs the role of a transmitting side system 2 cannot perform the role of a receiving side system 4 in Masamitsu.

Because Masamitsu and Kadansky are not properly combined, a prima facie case of obviousness is not established by the combination of Masamitsu and Kadansky. Thus, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 103(a).

Claims 2 and 3 depend from Claim 1 and, therefore, patentably define over the combination of Masamitsu and Kadansky for at least the same reasons as Claim 1. Further, Claims 2 and 3 define additional features that are also deficient in the combination of Masamitsu and Kadansky.

For example, Claim 2 recites, *inter alia*, “an encryption-key management list table having at least an encryption-key management list including a set of a terminal identifier of the first terminal and the broadcast encryption key assigned to the first terminal; means for searching the encryption-key management list table based on the terminal identifier of the first terminal included in an origination-terminal identifier of the received broadcast frame to extract the corresponding broadcast encryption key assigned to the first terminal.”

As discussed during the interview, even if the common key of Masamitsu is asserted as being “assigned to” the transmitting side, Masamitsu does not teach or suggest the above-quoted features of Claim 2 that require that the receiving side system 4 of Masamitsu search a table based on a terminal identifier of the transmitting side system 2. Instead, Masamitsu

describes a receiving side processor 22 using its own MAC address to search for a key to decrypt received data.

Thus, Applicant respectfully requests that the rejection of Claims 2 and 3 under 35 U.S.C. § 103(a) be withdrawn.

Response to Rejection under 35 U.S.C. § 102(b)

The rejection of Claims 4, 5, 7, 10, 11, and 15 is addressed in detail below. At the outset, Applicant respectfully notes that, as set out in MPEP § 2131, “[a] **claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.**” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631. Further, “[t]he identical invention must be shown **in as complete detail as is contained in the...claim.**” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236.

Amended Claim 4 recites, *inter alia*, “means for searching the encryption-key management list table for the **encryption-key management list including an origination-terminal identifier corresponding to an originating terminal identifier in a received broadcast frame.**”

In Masamitsu, the transmitting side system 2 identifier is not included in a key table, because, whether an individual or common key is used, a MAC address associated with the receiving side system 4 (or some bits of the MAC address as a mask) is used to search the key table at the receiving side in Masamitsu. Thus, Masamitsu cannot teach a terminal comprising a means for searching the encryption-key management list that includes “an **origination-terminal identifier**” as recited by Claim 4.

Because Masamitsu does not fully describe at least the above-discussed features of amended Claim 4, Masamitsu cannot anticipate Claim 4 under MPEP § 2131. Thus,

Applicant respectfully requests that the rejection of Claim 4 under 35 U.S.C. § 102(b) be withdrawn.

Claims 5, 11, and 15, though differing in scope and/or statutory class from Claim 4, patentably define over Masamitsu for reasons similar to those discussed above for Claim 4. Thus, Applicant respectfully requests that the rejection of Claims 5, 11, and 15 under 35 U.S.C. § 102(b) be withdrawn.

Amended Claim 7 recites, *inter alia*, “means for, when a frame to be transmitted is a broadcast frame **indicated by an end-terminal identifier being a broadcast address**, encrypting a payload of the broadcast frame using the broadcast encryption key of the generated-key table, and when the frame to be transmitted is a unicast frame **indicated by an end-terminal identifier not being a broadcast address**, searching the encryption-key management list table for the encryption-key management list including a destination-terminal identifier of the unicast frame to encrypt a payload of the unicast frame using the corresponding unicast encryption key.”

Masamitsu is silent regarding an end-terminal identifier indicating to the transmitting side terminal whether a secret key or a common key should be used, for example.

Because Masamitsu does not fully describe at least the above-discussed features of Claim 7, Masamitsu cannot anticipate Claim 7 under MPEP § 2131. Thus, Applicant respectfully requests that the rejection of Claim 7 under 35 U.S.C. § 102(b) be withdrawn.

Claim 10 recites, *inter alia*, “means for **encrypting the terminal identifier**...means for **broadcasting the encrypted terminal identifier** and broadcast encryption key of the different terminal.”

As discussed during the interview, the receiving side system 4 of Masamitsu uses the MAC address in the received frame to determine the intended recipient information processor(s) 22 and whether the frame is to be broadcast. Thus, the MAC address (terminal

identifier) cannot be encrypted in Masamitsu, because the receiving side system 4 could not use the MAC address as described if it were encrypted. Thus, Masamitsu cannot describe the above-quoted features of Claim 10 that require encrypting the terminal identifier and broadcasting the encrypted terminal identifier.

Because Masamitsu does not fully describe at least the above-discussed features of Claim 10, Masamitsu cannot anticipate Claim 10 under MPEP § 2131. Thus, Applicant respectfully requests that the rejection of Claim 10 under 35 U.S.C. § 102(b) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)

Usha Munukutla-Parker
Registration No. 61,939